

grossed Bills have had S. B. No. 415 carefully examined and compared and find same correctly Engrossed.

ROBERTS, Chairman.

Committee Room,  
Austin, Texas, March 5, 1937.  
Hon. Walter F. Woodul, President  
of the Senate.

Sir: We, your Committee on Enrolled Bills have had S. C. R. No. 42 carefully examined and compared and find same correctly Enrolled.

WESTERFELD, Chairman.

### THIRTY-FIFTH DAY.

(Monday, March 8, 1937.)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President Pro Tempore.

The roll was called and the following Senators were present:

Aikin.	Oneal.
Beck.	Pace.
Brownlee.	Rawlings.
Burns.	Redditt.
Collie.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.
Newton.	

The following Senators were absent and excused:

Cotten. Spears.

A quorum was announced present.

The invocation was offered by the Chaplain.

Reading of the Journal of the proceedings of Friday, March 5, 1937, was dispensed with, on motion of Senator Aikin.

#### Leaves of Absence Granted.

Senator Cotten was granted leave of absence for today, on account of important business, on motion of Senator Van Zandt.

Senator Spears was granted leave of absence for today, on account of

important business, on motion of Senator Aikin.

#### Reports of Standing Committees.

Reports on Senate Bills Nos. 416, 317, 70 and 87, on House Bills Nos. 230 and 462, and on H. C. R. No. 50, were submitted by the chairmen of the several committees to which they were referred. (See appendix for reports in full.)

#### Report of Special Committee.

Senator Van Zandt submitted a report of the committee appointed pursuant to a resolution of the Forty-fourth Legislature to investigate educational affairs, and moved that report be filed and printed in the appendix of today's Journal.

The motion prevailed.

(See appendix for report in full.)

#### Senate Bills on First Reading.

The following (local) bills were introduced, read first time and referred to the Committees on Civil Jurisprudence and on Counties and County Boundaries, respectively:

By Senator Davis:

S. B. No. 420, A bill to be entitled "An Act relating to the jurisdiction of the county court of Sterling County, conferring upon said court civil and criminal jurisdiction and increasing the criminal and civil jurisdiction of said court; conforming the jurisdiction of the district court of said county to such change; fixing the time of holding court and to repeal all laws in conflict with this Act, and declaring an emergency."

By Senator Winfield:

S. B. No. 421, A bill to be entitled "An Act fixing the salaries and compensation of county commissioners in counties with a taxable valuation of not less than forty-seven million, one hundred thousand dollars, (\$47,100,000) nor more than forty-eight million, one hundred thousand, (\$48,100,000) taxable valuation according to the valuation as shown on the county tax assessor's rolls for county purposes, and providing for payment of such salaries and the funds from which such salaries shall be paid; and repeal all laws in conflict herewith, and declaring an emergency."

**Message from the House.**

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas, March 8, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 415, A bill to be entitled "An Act amending subsection (b) of Section 11 of Article 2 of House Bill No. 8, passed by the Third Called Session of the Forty-fourth Legislature, said bill being known as the 'Omnibus Tax Bill,' and declaring an emergency."

H. B. No. 67, A bill to be entitled "An Act amending Section 1, Chapter 314, General Laws of the State of Texas, Forty-first Legislature, Regular Session, as amended by Chapter 24 of the General Laws of the Second Called Session thereof, and Chapter 227, Acts of the Regular Session of the Forty-second Legislature, 1931, so as to hereinafter provide that motor carriers and motor vehicles subject to jurisdiction of the Railroad Commission shall be those operating for compensation and hire and providing that the term, 'compensation and hire,' shall not include vehicles transporting goods owned by the owner of such vehicle."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

**House Bill on First Reading.**

The following bill, received from the House today, was laid before the Senate, read first time and referred to the appropriate committee as indicated:

H. B. No. 67, to Committee on State Highways and Motor Traffic.

**Bills Signed.**

The President Pro Tempore signed in the presence of the Senate, after giving due notice thereof, the following enrolled bills:

H. B. No. 215, "An Act creating a Special Road Law for Hardeman County, Texas, authorizing the fund-

ing and refunding of items of indebtedness, outstanding on December 14, 1935, against the Road and Bridge Fund of said county, into time warrants, etc., and declaring an emergency."

S. B. No. 415, "An Act amending subsection (b) of Section 11 of Article 2 of H. B. No. 8, passed by the Third Called Session of the Forty-fourth Legislature, said bill being known as the 'Omnibus Tax Bill,' and declaring an emergency."

**Senate Bill No. 84 on Passage to Engrossment.**

Senator Shivers called up from the President's table, on its passage to engrossment (the bill having been read second time on February 23, 1937, and having been tabled subject to call on Friday, February 26, 1937):

S. B. No. 84, A bill to be entitled "An Act to provide, with approval of court, the purchase by guardian of life insurance and/or annuity contracts for benefit of his or her ward; and further amending Article 4180 of the Revised Civil Statutes of the State of Texas, 1925, Acts 1929, Forty-first Legislature, Chapter 305, page 684, paragraph 1, relating to the investment of surplus funds of ward in the hands of guardians, or loan same, designating certain investments that may be made, and declaring an emergency."

The President Pro Tempore laid the bill before the Senate on its passage to engrossment.

Senator Shivers offered the following amendment to the bill (as amended):

Amend S. B. No. 84 by striking out all after the enacting clause and by inserting the following in lieu thereof:

"Section 1. Section 1 of Article 4180 of the Revised Civil Statutes of 1925 is hereby amended to hereafter read as follows:

"Section 1. Investments. If at any time, the guardian of the estate shall have on hand money belonging to the ward beyond that what may be necessary for the education and maintenance of such ward, he shall invest such money in bonds of the

United States, of the State of Texas, of any county or of any district or subdivision in Texas, or of any incorporated city or town in Texas, or such collateral bonds of companies incorporated under the laws of the State of Texas, having a paid-in capital of \$1,000,000.00 or more, when such bonds are a direct obligation of the company issuing them, and are specifically secured by first mortgage real estate notes and other securities pledged with a trustee or loan for the highest rate of interest that can be obtained therefor (secured as provided in Article 4181, Revised Statutes, 1925), (or purchase for said ward a contract for life insurance and/or annuity in a legal reserve life insurance company, operating under and complying with the laws of the State of Texas, that may be approved by the court having jurisdiction of the minor's estate). If a contract for life insurance and/or annuity has been issued on the life of the ward (or for benefit of ward in event of annuity) prior to date of guardianship, and it is made to appear that such contracts were issued by a company or companies operating under the legal reserve system, it shall be lawful to continue such contracts in full force and effect—all future premiums to be paid out of the surplus funds of said ward; provided, that said guardian shall first apply to the probate court having jurisdiction and obtain order therefrom to continue said contracts according to original terms or modify the same to fit any new development affecting the welfare of said ward, provided that before any application is granted by the probate court the guardian shall file a report in said court showing the financial condition of the ward's estate at the time said application is made said report to be filed in detail. The signatures of the ward, the guardian and the probate judge having jurisdiction of the estate of the minor shall appear on all applications, and any amendments thereto, made to any insurance company under the provision of this article."

It is expressly provided that the guardian shall in no event be authorized to contract for new life insurance on the life of such ward wherein such guardian is made the beneficiary of said policy, except in

such cases where the guardian is a natural parent of the ward. Each and every right, benefit and interest accruing under any contract for insurance or annuity coming under the provision of this title shall become the exclusive property of said ward when disability has been terminated.

Sec. 2. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 3. The fact that there is at this time no law specifically authorizing the investment of a ward's estate in a contract of life insurance and/or annuity, and the further fact that all contracts now in effect on the lives of minors are in grave danger of being forfeited, and the public importance of the purposes herein contemplated create an emergency and an imperative public necessity requiring the suspension of the Constitutional Rule requiring bills to be read upon three several days in each House, and the said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted."

The amendment was adopted.

Senator Rawlings offered the following amendment to the bill (as amended):

Amend the bill (as amended) to provide in effect for the reinstatement of the amendment adopted on February 23, 1937, repealing Section 2 of Article 4180 of the Revised Civil Statutes.

The amendment was adopted.

Senator Shivers offered the following amendment to the bill:

Amend the caption to conform with the changes made in the body of the bill.

The amendment was adopted.

(Senator Collie in the Chair.)

Senator Westerfeld offered the following amendment to the bill:

Amend S. B. No. 84, Section 1, by striking out in line 13 beginning at the word "or" and to and including the word "estate" in line 16.

Senator Shivers raised a point of order on consideration of the amendment on the ground that a proposed amendment to the bill containing the same substance was considered and

defeated by the Senate pending consideration of the bill on engrossment on February 23, 1937.

The Presiding Officer sustained the point of order.

Question recurring on the passage of the bill to engrossment, yeas and nays were demanded.

The Senate refused to pass the bill to engrossment by the following vote:

**Yeas—10.**

Burns.	Roberts.
Holbrook.	Shivers.
Moore.	Stone.
Rawlings.	Van Zandt.
Redditt.	Weinert.

**Nays—16.**

Aikin.	Newton.
Brownlee.	Oneal.
Davis.	Pace.
Hill.	Small.
Isbell.	Sulak.
Lemens.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.

**Present—Not Voting.**

Collie.

**Absent.**

Beck. Head.

**Absent—Excused.**

Cotten. Spears.

**Senate Bill No. 419 on Second Reading.**

On motion of Senator Weinert and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment:

S. B. No. 419, A bill to be entitled "An Act creating and establishing Comal County Water Recreational District No. 1 in Comal County, Texas, under Section 59, of Article 16, of the Constitution of Texas for the purpose of protecting and preserving the purity and sanitary condition of the waters of a portion of the Comal River in Comal County by keeping the same free and clear of weeds and other growths, and of

other obstruction to the free flow thereof, and thereby protect the health of those residing in such district and keep such waters in good condition for the recreational purposes of swimming and fishing therein and boating thereon by those entitled to do so; describing and defining such district; declaring such district to be a governmental agency and body politic and corporate; prescribing the powers, authority, rights, privileges and functions of such district; providing for the maintenance and operation of such district and the levy and collection of taxes and assessments for such purposes; providing for the appointment of the first board of directors and the election of subsequent boards of directors of the district and for the election of officers thereof by the directors and prescribing the duties and authority of such board and officers; enacting provisions incident and necessary to the subject and purpose of this Act, and declaring an emergency."

The Presiding Officer laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

**Senate Bill No. 419 on Third Reading.**

Senator Weinert moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 419 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—29.**

Aikin.	Oneal.
Beck.	Pace.
Brownlee.	Rawlings.
Burns.	Redditt.
Collie.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.
Newton.	

**Absent—Excused.**

Cotten.

Spears.

The Presiding Officer laid S. B. No. 419 before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—29.**

Aikin.	Oneal.
Beck.	Pace.
Brownlee.	Rawlings.
Burns.	Redditt.
Collie.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.
Newton.	

**Absent—Excused.**

Cotten.

Spears.

**Senate Bill No. 416 on Second Reading.**

On motion of Senator Winfield and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to engrossment:

S. B. No. 416, A bill to be entitled "An Act ratifying and confirming, subject to the consent and approval of the Congress of the United States, an agreement and compact between the States of New Mexico and Texas, pertaining to the construction and maintenance of the Alamogordo Reservoir upon the Pecos River in the State of New Mexico, and providing for agreement on the part of the State of New Mexico pertaining to the use of the waters of the Pecos River."

The Presiding Officer then laid S. B. No. 416 before the Senate, on its second reading and passage to engrossment.

On motion of Senator Winfield and by unanimous consent, the Senate rule requiring printed copies of a general bill to be on the desks of Senators 24 hours before consideration of the bill by the Senate and

the rule requiring a committee report to lie over one day before consideration by the Senate of the bill reported, were suspended, severally, to permit consideration of the bill at this time.

The bill was read second time and was passed to engrossment.

**Senate Bill No. 416 on Third Reading.**

Senator Winfield moved to suspend the constitutional rule requiring bills to be read on three several days and that S. B. No. 416 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—29.**

Aikin.	Oneal.
Beck.	Pace.
Brownlee.	Rawlings.
Burns.	Redditt.
Collie.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.
Newton.	

**Absent—Excused.**

Cotten.

Spears.

The Presiding Officer laid S. B. No. 416 before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—29.**

Aikin.	Oneal.
Beck.	Pace.
Brownlee.	Rawlings.
Burns.	Redditt.
Collie.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.
Newton.	

## Absent—Excused.

Cotten. Spears.

**Motion to Take Up Senate Bill No. 7.**

Senator Holbrook moved that Senate Rule No. 106 be suspended to permit consideration of S. B. No. 7 at this time.

The motion was lost by the following vote (not receiving the necessary vote of four-fifths of the members of Senate):

## Yeas—20.

Beck.	Pace.
Burns.	Rawlings.
Davis.	Redditt.
Hill.	Roberts.
Holbrook.	Shivers.
Isbell.	Small.
Moore.	Stone.
Neal.	Weinert.
Nelson.	Westerfeld.
Newton.	Woodruff.

## Nays—3.

Aikin. Van Zandt.  
Brownlee.

## Present—Not Voting.

Collie. Oneal.  
Lemens.

## Absent.

Head. Winfield.  
Sulak.

## Absent—Excused.

Cotten. Spears.

**Senate Bill No. 304 on Second Reading.**

Senator Moore moved that Senate Rule No. 106 be suspended to permit consideration of S. B. No. 304 at this time.

The motion prevailed by the following vote:

## Yeas—27.

Aikin.	Lemens.
Beck.	Moore.
Brownlee.	Neal.
Burns.	Nelson.
Davis.	Newton.
Head.	Oneal.
Hill.	Pace.
Holbrook.	Rawlings.
Isbell.	Redditt.

Roberts.  
Shivers.  
Stone.  
Sulak.  
Van Zandt.

Weinert.  
Westerfeld.  
Winfield.  
Woodruff.

## Present—Not Voting.

Collie.

## Absent.

Small.

## Absent—Excused.

Cotten. Spears.

The Presiding Officer laid before the Senate, on its second reading and passage to engrossment:

S. B. No. 304, A bill to be entitled "An Act to provide for the care, safe-keeping, and custody of securities in which the sinking funds for the redemption and payment of outstanding bonds of any county of more than 190,000 population, or a navigation district in counties of more than 190,000 population, may have been invested by the legally authorized governing body thereof; providing for the audit thereof, and declaring an emergency."

The bill was read second time and was passed to engrossment.

**Senate Bill No. 304 on Third Reading.**

Senator Moore moved to suspend the constitutional rule requiring bills to be read on three several days and that S. B. No. 304 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—29.

Aikin.	Oneal.
Beck.	Pace.
Brownlee.	Rawlings.
Burns.	Redditt.
Collie.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.
Newton.	

## Absent—Excused.

Cotten. Spears.

The Presiding Officer laid S. B. No. 304 before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29.

Aikin.,	Oneal.
Beck.	Pace.
Brownlee.	Rawlings.
Burns.	Redditt.
Collie.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.
Newton.	

Absent—Excused.

Cotten. Spears.

**Senate Bill No. 323 on Second Reading.**

Senator Woodruff moved that Senate Rule No. 106 be suspended, to permit consideration of S. B. No. 323 at this time.

The motion prevailed by the following vote:

Yeas—29.

Aikin.	Oneal.
Beck.	Pace.
Brownlee.	Rawlings.
Burns.	Redditt.
Collie.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.
Newton.	

Absent—Excused.

Cotten. Spears.

The Presiding Officer laid before the Senate, on its second reading and passage to engrossment:

S. B. No. 323, A bill to be entitled "An Act to validate the consolidation of contiguous Independent School

Districts lying in two or more adjoining counties and elections and proceedings in connection therewith, and to provide for their rights and powers as an Independent School District."

The bill was read second time.

On motion of Senator Roberts, the bill was tabled subject to call.

**Senate Bill No. 411 on Second Reading.**

On motion of Senator Neal and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to engrossment:

S. B. No. 411, A bill to be entitled "An Act to repeal S. B. No. 148, Chapter 307, General Laws, Regular Session of the Forty-second Legislature, and declaring an emergency."

The Presiding Officer laid the bill before the Senate, on its second reading and passage to engrossment.

On motion of Senator Neal, and by unanimous consent, Senate Rule 31a was suspended to permit consideration of the bill at this time.

The bill was read second time.

On motion of Senator Rawlings, the bill was tabled subject to call.

**Senate Bill No. 410 on Second Reading.**

On motion of Senator Holbrook, and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to engrossment:

S. B. No. 410, A bill to be entitled "An Act providing for a rural school supervisor in certain counties; prescribing the qualifications and duties of said supervisor; prescribing the method of employing the supervisor; prescribing the salary of said supervisor and how he shall be paid; providing other things incidental to said purpose; and declaring an emergency."

The Presiding Officer laid the bill before the Senate, on its second reading and passage to engrossment.

On motion of Senator Holbrook and by unanimous consent, Senate Rule No. 31a was suspended, to permit consideration of the bill by the Senate at this time.

The bill was read second time and was passed to engrossment.

**Senate Bill No. 410 on Third Reading.**

Senator Holbrook moved to suspend the constitutional rule requiring bills to be read on three several days and that S. B. No. 410 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—29.**

Aikin.	Oneal.
Beck.	Pace.
Brownlee.	Rawlings.
Burns.	Redditt.
Collie.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.
Newton.	

**Absent—Excused.**

Cotten.	Spears.
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The Presiding Officer laid S. B. No. 410 before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—29.**

Aikin.	Oneal.
Beck.	Pace.
Brownlee.	Rawlings.
Burns.	Redditt.
Collie.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.
Newton.	

**Absent—Excused.**

Cotten.	Spears.
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**Senate Bill No. 74 on Second Reading.**

On motion of Senator Redditt and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to engrossment:

S. B. No. 74, A bill to be entitled "An Act defining and regulating the practice of professional engineering in the State of Texas; providing for the creation of the State Board of Registration for Professional Engineers and prescribing their powers and duties, terms of office, qualifications and for payment of their compensation and expenses out of registration fees and from the Professional Engineering Fund as provided in this law; providing for the removal of members of the board for cause, etc., and declaring an emergency."

The Presiding Officer laid the bill before the Senate, on its second reading and passage to engrossment.

The bill was read second time.

Senator Redditt offered the following amendment to the bill:

Amend S. B. No. 74, Section 20, by adding a new Subsection to be known as Subsection e, as follows:

Subsection e. Nothing in this Act shall be construed to apply in any way to locomotive or stationary engineers.

The amendment was adopted.

The bill was then passed to engrossment.

**Senate Bill No. 74 on Third Reading.**

Senator Redditt moved to suspend the constitutional rule requiring bills to be read on three several days and that S. B. No. 74 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—27.**

Aikin.	Holbrook.
Beck.	Isbell.
Brownlee.	Moore.
Burns.	Neal.
Davis.	Nelson.
Head.	Newton.
Hill.	Oneal.



Pace.	Sulak.
Rawlings.	Van Zandt.
Redditt.	Weinert.
Roberts.	Westerfeld.
Shivers.	Winfield.
Small.	Woodruff.
Stone.	

Nays—1.

Lemens.

Present—Not Voting.

Collie.

Absent—Excused.

Cotten.

Spears.

The Presiding Officer laid S. B. No. 74 before the Senate, on its third reading and final passage.

The bill was read third time.

Senator Oneal offered the following amendment to the bill:

Amend S. B. No. 74, by striking out of Section 3, the following beginning with line 23 of page 2, printed bill: "from among nominees recommended by the representative engineering societies in the State, as ascertained to be such by the Governor."

The amendment was adopted.

Senator Westerfeld offered the following amendment to the bill:

Amend Section 19 of S. B. No. 74 by striking out said Section 19.

Yeas and nays were demanded, and the amendment was lost by the following vote:

Yeas—9.

Brownlee.	Oneal.
Davis.	Van Zandt.
Isbell.	Westerfeld.
Lemens.	Woodruff.
Neal.	

Nays—15.

Aikin.	Redditt.
Beck.	Roberts.
Burns.	Shivers.
Head.	Small.
Hill.	Stone.
Holbrook.	Weinert.
Moore.	Winfield.
Pace.	

Present—Not Voting.

Collie.	Rawlings.
Nelson.	

Absent.

Newton.

Sulak.

Absent—Excused.

Cotten.

Spears.

Senator Aikin offered the following amendment to the bill:

Amend S. B. No. 74, page 4, by striking out all after the word "Standing" in line 3, and all of lines 4, 5, and 6.

The amendment was adopted.

Senator Aikin offered the following amendment to the bill:

Amend S. B. No. 74, page 4, by striking out all of lines 7, 8, 9, 10, 11 and 12.

The amendment was adopted.

Senator Roberts offered the following amendment to the bill:

Amend S. B. No. 74, page 3, by adding another sentence at the end of Section 9 to read as follows:

"No money shall ever be paid to the Board or for any of its functions from the General Fund of the State."

The amendment was adopted.

Senator Woodruff offered the following amendment to the bill:

Amend S. B. No. 74 by striking out Section 3 and inserting in lieu thereof the following:

"The State Board of Water Engineers," and strike out lines 16 and 17, page 2, printed bill, and insert in lieu thereof the following: "The 'Board' as used in this Act shall mean 'The State Board of Water Engineers.'"

Yeas and nays were demanded, and the amendment was lost by the following vote:

Yeas—7.

Aikin.	Lemens.
Davis.	Westerfeld.
Head.	Woodruff.
Isbell.	

Nays—17.

Beck.	Neal.
Brownlee.	Nelson.
Burns.	Oneal.
Hill.	Pace.
Holbrook.	Redditt.
Moore.	Roberts.

Shivers.  
Stone.  
Van Zandt.

Weinert.  
Winfield.

Present—Not Voting.

Collie. Rawlings.

Absent.

Newton. Sulak.  
Small.

Absent—Excused.

Cotten. Spears.

Senator Woodruff offered the following amendment to the bill:

Amend S. B. No. 74 by striking out the words "Professional Engineering Fund," wherever they appear conjointly in the bill, and insert in lieu thereof the following:

"The General Revenue Fund."

Yeas and nays were demanded, and the amendment was lost by the following vote:

Yeas—2.

Lemens. Woodruff.

Nays—22.

Aikin. Nelson.  
Beck. Oneal.  
Brownlee. Pace.  
Burns. Redditt.  
Collie. Roberts.  
Head. Shivers.  
Hill. Stone.  
Holbrook. Van Zandt.  
Isbell. Weinert.  
Moore. Westerfeld.  
Neal. Winfield.

Present—Not Voting.

Rawlings.

Absent.

Davis. Small.  
Newton. Sulak.

Absent—Excused.

Cotten. Spears.

Senator Aikin offered the following amendment to the bill:

Amend S. B. No. 74 by striking out all of lines 16 and 17, page 2 and insert in lieu thereof the following:

"The term Board as used in this Act shall mean and be constituted

as follows: State Highway Engineer, who shall be Chairman, Reclamation Engineer, and Chairman of Board of Water Engineers.

Yeas and nays were demanded, and the amendment was lost by the following vote:

Yeas—8.

Aikin. Stone.  
Davis. Van Zandt.  
Isbell. Westerfeld.  
Lemens. Woodruff.

Nays—16.

Beck. Nelson.  
Brownlee. Oneal.  
Burns. Pace.  
Head. Rawlings.  
Hill. Redditt.  
Holbrook. Shivers.  
Moore. Weinert.  
Neal. Winfield.

Present—Not Voting.

Collie.

Absent.

Newton. Small.  
Roberts. Sulak.

Absent—Excused.

Cotten. Spears.

Question recurring on the final passage of the bill, yeas and nays were demanded.

The bill was passed by the following vote:

Yeas—21.

Beck. Pace.  
Brownlee. Rawlings.  
Burns. Redditt.  
Davis. Roberts.  
Head. Shivers.  
Hill. Stone.  
Holbrook. Weinert.  
Isbell. Westerfeld.  
Moore. Winfield.  
Nelson. Woodruff.  
Oneal.

Nays—5.

Aikin. Neal.  
Collie. Van Zandt.  
Lemens.

Absent.

Newton. Sulak.  
Small.

Absent—Excused.

Cotten.

Spears.

#### Message from the Governor.

A Secretary of the Governor was recognized to present the following message:

Austin, Texas, March 8, 1937.

To the Members of the Forty-fifth Legislature: (In Regular Session)

I respectfully submit this estimate of the amount of emergency appropriation to cover deficiencies arising in the appropriation of the Adjutant General's Department for the fiscal year ending August 31st, 1937. The appropriation for general maintenance was exhausted March 1st, 1937, and is the item desired to supplement Adjutant General's Department appropriation found on Page 1052, Forty-fourth Legislature, Regular Session, as follows: General maintenance, traveling expenses, bond premiums, drayage, auto hire, express, truck, tractor, extra help and other necessary expenses—Supplementing WPA projects in improving existing facilities at Camp Mabry, Camp Hulen and Camp Wolters, \$53,000.00.

Excessive demands have been made upon this item of said appropriation by reason of the organization of two new Texas National Guard Regiments—the 133rd Field Artillery and the 111th Quartermaster Regiment—and the sponsoring of WPA projects at Camp Hulen, Palacios, Texas, Camp Wolters, Mineral Wells, Texas, and Camp Mabry, Austin, Texas, as follows:

Camp Mabry, Austin, Texas .....	\$253,747.61
Camp Hulen, Palacios, Texas .....	107,348.81
Camp Wolters, Mineral Wells, Texas .....	22,662.61

Or a total of.....\$383,759.03

The entire 111th Quartermaster Regiment is being housed at Camp Mabry in State-owned armories, the only State-owned armories in Texas. Comparing rentals paid by other regiments throughout the State, this represents a saving of not less than \$1,000.00 per month.

This Department has been able to secure the material in four

abandoned CCC camps located at Bowie, Boyd, Big Spring and Farmersville, Texas. WPA projects have been completed whereby these camps can be dismantled by WPA labor and we will be able to secure approximately 25 carloads of lumber and material for use on construction work of our other WPA projects heretofore mentioned at a very small proportionate cost to the State of Texas.

The bill creating the Department of Public Safety, part of which is quoted below, charged the Adjutant General to provide adequate quarters and facilities for a training school for Highway Patrolmen and Peace Officers: "By an Act of 1935, Forty-fourth Legislature, page 444, Chapter 181, Paragraph 17, the Adjutant General shall provide suitable buildings, land and state-owned equipment located in Camp Mabry, Austin, Texas, for the use of this bureau in the conduct of its training schools."

This department also furnishes a building for maintenance shops of the Department of Public Safety.

The following request has been made by Colonel H. H. Carmichael, Director of Public Safety, approved by the Public Safety Commission. He states:

"A requisition was made upon the Board of Control for adequate space in which to house the personnel of the Department of Public Safety. A contract was entered into by the Board of Control with the Austin Labor Temple who offered to build a three-story building adjacent to the Labor Temple on Brazos Street. The monthly rental for this space was \$1,000.00 per month, plus utilities. The Labor Temple to date has not been able to finance this building and it is very doubtful that the building will ever be financed. The Adjutant General has agreed to furnish the Department of Public Safety two brick buildings at Camp Mabry that can be utilized until adequate space down town can be provided by the State. This alone would be a saving to the State of Texas of \$1,000.00 per month and would enable the Department of Public Safety to house together their entire personnel, schools and shops which are now scattered in six buildings—four down town and two at Camp Mabry.

"Out of the material of the four CCC Camps and the above appropriation, sufficient material and labor can be secured to adequately recondition the administration, school and shop buildings of the Department of Public Safety."

Respectfully submitted,  
JAMES V. ALLRED,  
Governor of Texas.

On motion of Senator Moore, the full reading of the message was omitted.

#### House Concurrent Resolution No. 50.

On motion of Senator Van Zandt and by unanimous consent, the regular order of business was suspended to take up, for consideration at this time, the following resolution:

H. C. R. No. 50, Authorizing use of certain machinery of the Highway Department by the cities of Honey Grove and Wolfe City.

The resolution was adopted.

#### Senate Bill No. 411 on Passage to Engrossment.

Senator Neal called up S. B. No. 411 from the President's table, on its passage to engrossment; the bill having been read second time today.

The Presiding Officer laid the bill before the Senate, on its passage to engrossment.

The bill was passed to engrossment.

#### Senate Bill No. 411 on Third Reading.

Senator Neal moved to suspend the constitutional rule requiring bills to be read on three several days and that S. B. No. 411 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29.

Aikin.	Lemens.
Beck.	Moore.
Brownlee.	Neal.
Burns.	Nelson.
Collie.	Newton.
Davis.	Oneal.
Head.	Pace.
Hill.	Rawlings.
Holbrook.	Redditt.
Isbell.	Roberts.

Shivers.	Weinert.
Small.	Westerfeld.
Stone.	Winfield.
Sulak.	Woodruff.
Van Zandt.	

Absent—Excused.

Cotten.	Spears.
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The President laid S. B. No. 411 before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29.

Aikin.	Oneal.
Beck.	Pace.
Brownlee.	Rawlings.
Burns.	Redditt.
Collie.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.
Newton.	

Absent—Excused.

Cotten.	Spears.
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#### Message From the House.

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas, March 8, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution: H. C. R. No. 52, Permitting the erection of a cold drink stand in the Walton State Building.

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### House Concurrent Resolution No. 52.

The following resolution, received from the House today, was laid before the Senate, read and referred to the committee indicated:

H. C. R. No. 52, to Committee on Public Buildings and Grounds.

**Adjournment.**

On motion of Senator Stone, the Senate, at 12:25 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow.

**APPENDIX.****Bills Filed With Secretary of State.**

Department of State,  
State of Texas.

Austin, Texas, March 6, 1937.  
Hon. Bob Barker, Secretary of the Senate.

Dear Sir: In compliance with the

request made of this office by S. R. No. 42, I am enclosing herewith a list of all bills and resolutions passed by the Forty-fifth Legislature, Regular Session, that have been filed in this office up to, and including March 5, 1937.

It has been my sincere pleasure to render this service, and it shall be equally so to furnish daily communications of this nature to the Senate of the State of Texas.

Yours very truly,

M. E. SANDLIN,

Acting Secretary of State.

**Final Disposition of Bills and Resolutions of the Forty-fifth Legislature,  
Regular Session, as of March 5, 1937**

**Senate Bills**

S. B. No.	Vote in Senate		Vote in House		Date signed by the Governor	Date filed with Secretary of State
	Yeas	Nays	Yeas	Nays		
44	26	1	110	7	Feb. 4, 1937	Feb. 4, 1937
54	27	0	111	0	Feb. 2, 1937	Feb. 2, 1937
81	29	1	127	0	Mar. 1, 1937	Mar. 1, 1937
93	28	0	124	0	Feb. 6, 1937	Feb. 8, 1937
101	28	0	111	2	Feb. 10, 1937	Feb. 10, 1937
174	28	0	122	0	Feb. 26, 1937	Feb. 26, 1937
188	29	0	127	0	Feb. 22, 1937	Feb. 22, 1937
219	25	0	115	0	Mar. 3, 1937	Mar. 3, 1937
374	26	0	108	1	Mar. 5, 1937	Mar. 5, 1937

**Senate Concurrent Resolutions**

S. C. R. No.				
2	Viva voce	Viva voce	Jan. 17, 1937	Jan. 20, 1937
3	Viva voce	Viva voce	Jan. 14, 1937	Jan. 14, 1937
4	Viva voce	Viva voce	Jan. 17, 1937	Jan. 20, 1937
5	Viva voce	Viva voce	Jan. 20, 1937	Jan. 20, 1937
8	Viva voce	Viva voce	Jan. 21, 1937	Jan. 21, 1937
10	Rising vote	Rising vote	Jan. 28, 1937	Jan. 28, 1937
16	Viva voce	Viva voce	Unsigned	Feb. 10, 1937
18	Viva voce	Viva voce	Feb. 10, 1937	Feb. 10, 1937
19	Viva voce	Viva voce	Feb. 8, 1937	Feb. 8, 1937
20	Viva voce	Viva voce	Feb. 8, 1937	Feb. 8, 1937
21	Viva voce	Viva voce	Feb. 8, 1937	Feb. 8, 1937
22	Viva voce	Viva voce	Feb. 16, 1937	Feb. 16, 1937
23	Viva voce	Viva voce	Feb. 11, 1937	Feb. 12, 1937
24	Viva voce	Viva voce	Feb. 8, 1937	Feb. 8, 1937
30	Viva voce	Viva voce	Feb. 11, 1937	Feb. 12, 1937
31	Viva voce	Viva voce	Feb. 18, 1937	Feb. 18, 1937
32	Viva voce	Viva voce	Feb. 22, 1937	Feb. 22, 1937
40	Viva voce	Viva voce	Mar. 3, 1937	Mar. 3, 1937
42	Viva voce	Viva voce	Mar. 5, 1937	Mar. 5, 1937

**House Bills**

1	27	0	118	3	Jan. 14, 1937	Jan. 14, 1937
9	26	3	125	10	Mar. 1, 1937	Mar. 1, 1937
10	23	5	116	11	Feb. 17, 1937	Feb. 17, 1937
22	Viva voce		96	34	Mar. 4, 1937	Mar. 4, 1937
33	30	0	110	0	Mar. 1, 1937	Mar. 1, 1937
56	26	0	123	2	Mar. 5, 1937	Mar. 5, 1937

## House Bills—Continued.

H. B. No.	Vote in Senate		Vote in House		Date signed by the Governor	Date filed with Secretary of State
	Yeas	Nays	Yeas	Nays		
65	29	1	117	4	Jan. 28, 1937	Jan. 29, 1937
69	27	0	129	0	Jan. 28, 1937	Jan. 28, 1937
88	27	0	114	0	Mar. 1, 1937	Mar. 1, 1937
89	27	0	Viva voce		Feb. 18, 1937	Feb. 18, 1937
123	24	2	114	1	Mar. 5, 1937	Mar. 5, 1937
218	Viva voce		Viva voce		Mar. 5, 1937	Mar. 5, 1937
232	27	0	109	0	Feb. 11, 1937	Feb. 12, 1937
238	28	2	114	1	Mar. 1, 1937	Mar. 1, 1937
245	30	0	130	1	Mar. 5, 1937	Mar. 5, 1937
246	30	0	113	0	Mar. 1, 1937	Mar. 1, 1937
343	29	1	107	14	Mar. 1, 1937	Mar. 1, 1937
358	30	0	111	1	Mar. 1, 1937	Mar. 1, 1937
394	27	0	122	3	Feb. 12, 1937	Feb. 12, 1937
470	26	0	122	3	Mar. 4, 1937	Mar. 4, 1937
471	26	0	126	0	Mar. 4, 1937	Mar. 4, 1937
972	29	0	114	1	Mar. 5, 1937	Mar. 5, 1937

## House Concurrent Resolutions

H. C. R. No.				
1	Viva voce	Viva voce	Jan. 17, 1937	Jan. 20, 1937
2	Viva voce	Viva voce	Jan. 17, 1937	Jan. 20, 1937
5	Viva voce	Viva voce	Jan. 28, 1937	Jan. 28, 1937
6	Viva voce	Viva voce	Jan. 28, 1937	Jan. 28, 1937
7	Viva voce	Viva voce	Jan. 21, 1935	Jan. 21, 1937
8	Viva voce	Viva voce	Jan. 21, 1935	Jan. 21, 1937
10	Viva voce	Viva voce	Mar. 1, 1937	Mar. 1, 1937
11	Viva voce	Viva voce	Jan. 25, 1937	Jan. 25, 1937
13	Viva voce	Viva voce	Feb. 5, 1937	Feb. 5, 1937
14	Viva voce	Viva voce	Mar. 5, 1937	Mar. 5, 1937
25	Viva voce	Viva voce	Feb. 5, 1937	Feb. 5, 1937
26	Viva voce	Viva voce	Feb. 11, 1937	Feb. 12, 1937
28	Viva voce	Viva voce	Unsigned	Feb. 12, 1937
29	Viva voce	Viva voce	Feb. 11, 1937	Feb. 12, 1937
34	Viva voce	Viva voce	Mar. 1, 1937	Mar. 1, 1937
36	Viva voce	Viva voce	Feb. 18, 1937	Feb. 18, 1937
48	Viva voce	Viva voce	Mar. 5, 1937	Mar. 5, 1937

Department of State,  
State of Texas.

Austin, Texas, March 8, 1937.

Hon. Bob Barker, Secretary of the  
Senate.

Dear Sir: I submit herewith a  
list of bills and resolutions passed  
by the Forty-fifth Legislature which  
were filed in this office Saturday,  
March 6, 1937:

H. B. No. 432:

Vote in the Senate: Yeas 24,  
nays 0.

Vote in the House: Yeas 117,  
nays 3.

Signed by the Governor: March 6,  
1937.

H. C. R. No. 3:

Vote in the Senate: Viva voce.

Vote in the House: Viva voce.

Signed by the Governor: Un-  
signed.

H. C. R. No. 9:

Vote in the Senate: Viva voce.

Vote in the House: Viva voce.

Signed by the Governor: Un-  
signed.

H. C. R. No. 15:

Vote in the Senate: Viva Voce.

Vote in the House: Viva voce.

Signed by the Governor: March  
1, 1937.

Yours very truly,

EDWARD CLARK,  
Secretary of State.

## Reports of Standing Committees.

Committee Room,

Austin, Texas, March 8, 1937.

Hon. Walter F. Woodul, President  
of the Senate.

Sir: We, your Committee on

Game and Fish, to whom was referred

H. B. No. 230, A bill to be entitled "An Act providing an open season for the taking and shooting of squirrels; providing an open season for the shooting of quail; providing a bag limit for squirrels, a bag limit and possession limit for quail; providing a penalty for any violation of this Act; repealing all laws in conflict with this Act; providing that the provisions of this Act shall apply to Shelby County only, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Committee Room,

Austin, Texas, March 8, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

S. B. No. 317, A bill to be entitled "An Act making it unlawful to use or possess a seine, net or trawl in certain waters of Nueces County; providing for the use of certain tackle for catching bait in such waters; providing that it shall be lawful to use a licensed trawl, net or seine in the other salt waters of Nueces County; providing a penalty for any violation of this Act and giving the Game, Fish and Oyster Commission or authorized agent the right to hold certain tackle as evidence; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WEINERT, Chairman.

Committee Room,

Austin, Texas, March 8, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 462, A bill to be entitled "An Act to amend Section 2, Article 923qa-6, Penal Code of Texas, by

exempting Bosque, Johnson, and Hill Counties, from the provisions of Section 2 thereof, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Committee Room,

Austin, Texas, March 8, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Federal Relations, to whom was referred

S. B. No. 416, A bill to be entitled "An Act ratifying and confirming, subject to the consent and approval of the Congress of the United States, an agreement and compact between the States of New Mexico and Texas, pertaining to the construction and maintenance of the Alamogordo Reservoir upon the Pecos River in the State of New Mexico, and providing for agreement on the part of the State of New Mexico pertaining to the use of the waters of the Pecos River, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WESTERFELD, Chairman.

Committee Room,

Austin, Texas, Feb. 26, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 70, A bill to be entitled "An Act to give the right of eminent domain to certain conservation and reclamation districts to enable them to acquire by condemnation land on which cemeteries are located under certain conditions, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the committee substitute, hereto attached, be passed in lieu thereof, and committee substitute only be printed.

HILL, Chairman.

Committee Room,  
Austin, Texas, March 4, 1937.  
Hon. Walter F. Woodul, President  
of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred

S. B. No. 87, A bill to be entitled "An Act amending Chapter II of Title 49 of the Revised Civil Statutes of 1925 by adding thereto a new Article to be known as Article 2688c, fixing the qualifications of persons voting at any election for the office of county superintendent of schools in counties having a population of more than 320,000 and less than 350,000, and fixing the qualifications for the office of county superintendent of schools in such counties, and repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments hereto attached, and be not printed.

BECK, Chairman.

#### Committee Amendment.

To amend S. B. No. 87, Section 2, by inserting after the word herewith in Section 2, the following:

Insofar as they apply to counties having a population of more than 320,000 and less than 350,000 by the last preceding or future Federal Census.

Committee Room,  
Austin, Texas, March 5, 1937.  
Hon. Walter F. Woodul, President  
of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

H. C. R. No. 50, A House Concurrent Resolution, "Granting the Highway Department permission to lend to the towns of Wolfe City and Honey Grove certain equipment."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

RAWLINGS, Chairman.

Committee Room,  
Austin, Texas, March 5, 1937.  
Hon. Walter F. Woodul, President  
of the Senate.

Sir: We, your Committee on En-

grossed bills, have had S. B. No. 47 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,  
Austin, Texas, March 5, 1937.  
Hon. Walter F. Woodul, President  
of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 359 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,  
Austin, Texas, March 8, 1937.  
Hon. Walter F. Woodul, President  
of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 415 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

#### Report of the Senate Special Committee on Education.

"Cultivated mind is the guardian genius of democracy, and while guided and controlled by virtue, the noblest attribute of man. It is the only dictator that free men acknowledge, and the only security which free men desire."

—Lamar.

#### Committee Authorized by Senate Simple Resolution No. 23.

Adopted at the Third Called Session of the Forty-fourth Legislature of the State of Texas.

#### Members:

Senator Clay Cotten, Palestine.  
Senator Wilbourne B. Collie, Eastland.  
Senator Gordon Burns, Huntsville.  
Senator Claude Isbell, Rockwall.  
Senator Olan R. Van Zandt, Tioga.

#### Committee Organization.

Senator Clay Cotten, Chairman.  
Senator Wilbourne B. Collie, Vice-Chairman.  
Miss Vera Stewart, Secretary.  
Mrs. Garland Barcus, Reporter.  
Eddie G. Cook, Sergeant-of-Arms.

#### Senate Resolution No. 23.

Whereas, Education is the foundation of a democracy; and,

Whereas, The laws regulating education have grown up over a long



period of years and there are many discrepancies in such laws; and,

Whereas, In the best interests of an efficient system of public schools it is wise that a study of all school laws be made; now, therefore, be it

Resolved By the Senate:

Section 1. That the President of the Senate be and he is hereby authorized to appoint a committee of five members of the Senate, whose duties shall be to conduct an inquiry into the laws relating to the educational system of Texas and to make a report of such inquiries with such recommendations that to them may be deemed appropriate; such report to be made not later than thirty days after the convening of the Regular Session of the Forty-fifth Legislature.

Sec. 2. That said committee shall have the power to formulate its own rules of procedure and evidence and to provide for its own hours and place or places of meeting and adjourning, and the sessions of said committee shall be open to the public, except at such times as the committee by majority vote, may determine to hold an executive session. The chairman of said committee shall be elected by a majority vote of the members of said committee, and the committee shall appoint its own secretary and employees, and its sergeant-at-arms.

Sec. 3. Said committee shall have power and authority to employ and compensate all necessary experts, investigators, stenographers, clerks, auditors, and all other necessary employees, and it shall be the duty of said committee to make and keep a record of its investigation.

Sec. 4. That said committee shall begin and complete its investigation at the earliest practicable moment and shall submit a report in writing to the Forty-fifth Legislature within thirty days of the date same convenes in Regular Session. The compensation and expenses herein provided for incident to the work of such committee shall be paid out of the appropriation for mileage and per diem and contingent expenses of the Regular and all Called Sessions of the Forty-fourth Legislature, upon sworn account of the persons entitled to such pay, when approved by the chairman of said committee, and sufficient money is hereby appro-

priated out of the mileage and per diem and contingent fund of said Regular and Called Sessions of the Forty-fourth Legislature to meet the payment of such per diem and expenses of the members of said committee, witnesses, fees, and other expenses incident to said investigation.

Sec. 5. Said committee may include in its report recommendation of any legislation that should be enacted or other action that should be taken.

COTTEN.

Above resolution adopted on the 26th day of October, 1936.

The Chair appointed the following committee in accordance with the provisions of Senate Resolution No. 23: Senators Cotten, Isbell, Collie, Van Zandt and Burns.

To Hon. Walter F. Woodul, Lieutenant-Governor, and to the Honorable Members of the Texas Senate:

In compliance with the authority granted in said Senate Resolution No. 23, and the committee therein authorized having been named by the Lieutenant Governor, Hon. Walter F. Woodul, the Senate Special Committee on Education met in the Committee Room in the Capitol on October 28, 1936, and duly organized with the following members present: Senators Clay Cotten, Wilbourne B. Collie, Claude Isbell, Gordon Burns, and Olan R. Van Zandt. The following officers were then and there chosen by the committee, to-wit: Senator Clay Cotten was chosen chairman; Senator Wilbourne B. Collie, vice-chairman; Miss Vera Stewart, Secretary to the committee; Mrs. Garland Barcus, reporter; and E. G. Cook, sergeant-of-arms, and assistant secretary.

Thereafter said committee met on the second day of November, 1936, in the City of Austin and began its deliberations as directed by the resolution creating same. Many witnesses were interviewed, not only in Austin, but also at Corsicana, Houston, Dallas, Fort Worth, Sherman and San Antonio.

It was thought advisable that in order to have a more comprehensive view regarding education and school trends, the committee should be furnished with a cross section of

thought in Texas relating to school problems, and therefore sought information and advice from school authorities from all sections of Texas.

In spite of the committee's attempts to confine its researches to the gathering of factual data, it was confronted at the outset by rumors and counter rumors of misconduct on the part of school officials chosen and selected to administer the school laws and distribute financial aid to the various school agencies of Texas. Many of these rumors the committee deemed it advisable to investigate, and we regret to inform the Senate of Texas that some of these rumors were founded in fact; and the committee regrets to report that it has not had the time to analyze all of the information and evidence so obtained and further investigate into alleged irregularities on the part of such State and local agencies charged with the responsibility of administering the school laws.

#### Office of State Superintendent.

Appreciating the fact that a public office is a public trust, and that the people are entitled to know how the affairs are being conducted, we therefore recommend that a fuller and more thorough investigation be had into the conduct of the State Board of Education and the State Department of Education, either by this committee or by some other committee fully authorized to investigate into such conditions and ascertain the facts. This committee found rank dissension existing between the State Board of Education and the State Department of Education. Any department charged with the responsibility of administering the administrative and fiscal affairs of our State school system should operate as a cohesive unit. In unity there is strength, and in division there is uncertainty, mistrust, and suspicion. The welfare of the school children of Texas is entirely too important to be jeopardized by petty bickerings and flagrant violation of the spirit of the law, if not in fact the law itself. The Legislature should fairly and promptly define the relative duties and the rights between the State Board of Education and the State Department of Education in order that a proper

understanding might be had between these two important divisions of educational administration.

This committee regrets to report that open friction has arisen in the past between these two divisions charged with patent duties which each should respect.

This committee is of the belief that all people are devoted to the cause of public education. On the adoption of the constitutional amendment authorizing the creation of the State Board of Education, the Legislature vitalized the authority so given by creating an agency which would, as it thought, be removed from politics, by providing for the appointment of its members for a six-year term with appointments at the end of the term of the executive rather than at the inception thereof. The people thereby had sought to remove it from the fields of political thought. Hence this means that the administration of public education in Texas should be untrammelled and removed from political pressure, a condition vitally necessary to the maintenance and preservation of a free system of public education.

The constitution provides for the purchase of textbooks, and making of contracts by the State Board. And under this constitutional function of adoption the board to a degree exercises control of the curriculum and may determine the textual material. This authority is clearly defined and in conformity with the public policy expected by the people in said constitutional provisions; said board has the responsibility of maintaining a position far removed from pressure groups and bloc movements. The State Board of Education occupies the same position as other agencies exercising quasi-judicial functions, and should be free from undue pressure from any group. It should be understood that a member of the Board of Education serving under a constitutional oath of office and a statutory oath is twice bound, and therefore continuously reminded of the responsibility that he owes to the youth of our State and to future generations. They are charged with procuring full value from the money expended. They are further charged with preventing an undue burden of public taxation which would hazard popular support of education now or in the future.

The Office of State Superintendent of Public Instruction is a statutory office established prior to the adoption of the constitutional amendment authorizing the creation of the State Board of Education. It is self-evident that this Board is non-political in that there is no possible way of any member thereof reaping any political reward by reason of the action of said board on any question. This should also be the status of the Superintendent of Public Instruction. This committee is of the belief that a greater service can be rendered by removing said office from politics, or from political influences. And this opinion is without any regard as to the person who may be the occupant of the office. The qualifications should be high, coupled with experience so that persons might be drawn, or drafted, to the office, and thereby the office would become a real administrative one as well as one affording engineering educational service, clothed with nominating and suggesting authority to the State Board of Education, and a real director and executor of the policies promulgated and formulated by the State Board of Education. Then and only then will we have cooperation and unity, and until then will we begin to have any real substantial reform in school administrative efficiency.

#### Rural Aid—or Equalization.

The first rural aid law was enacted in 1915. The purpose of that law was to help the financially weak small school. The money appropriated was used only for the purpose of paying teachers' salaries. This enabled the schools to have longer terms, and which enabled such schools to use more local funds for better equipping the schools.

The appropriation for the biennium 1915-17 was for \$1,000,000. The current biennium made an appropriation of \$10,000,000, just ten times the amount made for the biennium of 1915-17. During this period of twenty years the appropriation has been increasing and the demands have been increasing year by year, while the scholastic apportionment during the same period has increased from \$6.00 per capita to \$19.00 per capita.

The State properly entered upon a

public policy of giving equal school opportunity of all children within the scholastic age; however, in the actual operation of the policy so declared there has been rank discrimination and instead of this fund becoming an equalization fund to grant equal opportunities, it appears to have been operated in some instances of actually forcing unequal opportunities, and permitting grab bag policies, and has actually encouraged expenditures of public funds on the part of certain schools in order for such schools to become eligible for aid.

Since the general revenue of the State is hardly able to stand any increased burdens, and since the appropriations for rural aid in the past have never equalled the demand or the granted allowance, it occurs to this committee that it is time for the Legislature itself to consider working out a scheme whereby it will not be necessary for the rural aid appropriation to be materially increased and this committee believes such means can be found.

Under the recommendation of the State Department of Education the Forty-fourth Legislature appropriated \$5,000,000 for the purpose of promoting public school interest and equalizing the educational opportunities afforded by the State to all children of scholastic age within this State, including sufficient funds to match Federal funds appropriated for the purpose of conducting vocational agriculture, home economics, trades and industries, general rehabilitation, and rehabilitation of crippled children, and earmarked said funds as follows, to-wit:

A. \$150,000 allocated to support State's rehabilitation program for crippled children.

B. \$570,000 for industrial aid and to match Federal funds for vocational agriculture, home economics, trades and industries, and general rehabilitation according to Federal laws governing vocational education.

C. \$4,280,000 allocated for the purpose of rural aid to be administered under the provisions of said Act.

Each of the above named allocations was also appropriated and allocated for the year 1936-37; and in spite of the provision in said Act

prohibiting the creation of a deficiency as well as the inhibition declared in Section 49 of Article 3, of the Texas Constitution, the State Department of Education has attempted to create an obligation in favor of the equalization fund in behalf of the various applicants therefor, against the State. A copy of such advices is here set forth for such information as it may contain:

Austin, Texas, Dec. 7, 1936.

To County and City Superintendents  
County and City Depositories:

We are mailing today the warrants for payment of high school tuition according to the instructions given us by the State Board of Education at its meeting on November the 19th.

This payment represents 58% of the 87% of your unpaid claims. These payments exhaust the Rural Aid Fund for 1935-36. It is hoped that the Forty-fifth Legislature early in its session will make it possible for us to complete the payment of 87% of your tuition. We have assurance from a number of the members of the Legislature that this will be done.

We regret very much the delay which has been necessary in sending out this high school tuition. The greater part of this delay was due to an effort on our part to secure the necessary funds through the Special Session of the Legislature to complete the payment of 87% of the tuition at this time. The Legislature worked on the matter, but found no solution of the problem at that time.

Sincerely yours,

L. A. WOODS,  
State Superintendent.

In fairness to the aforesaid department this committee submits for your consideration the following quoted letter:

Austin, Texas, Feb. 4, 1937.

To the County Superintendents:

My Dear Mr. Superintendent: Enclosed is a copy of the letter of transmittal of the Equalization Bill to the Legislature, giving you a complete analysis of this bill, and also a copy of the proposed bill.

Will you please call a mass meeting of the county boards, the local boards of trustees, and the citizenship in general and discuss these proposed changes and the amount of

money that it is going to take to equalize educational opportunities. Have the people indicate their willingness to help pay whatever tax is necessary to bring about equal educational opportunities for the children of this State. It needs to be made clear to them that Seven and One-half Million (\$7,500,000) Dollars is a considerable sum of money but that it will take at least this amount to come near equalizing our educational program. If they are favorable to this, then let them form a resolution and transmit same to their Senator and their representative, sending a copy to the State superintendent.

I want it to be made clear to the general citizenship that I, as their State superintendent, elected by the general electorate of this State, have no disposition to try to force upon the taxpayers of this State an extra burden for the services called for herein unless the people desire it. My motto is "Let the people rule." This is the only way that they have of expressing their desires to the Legislators. Please put this matter before the people of your respective counties at the earliest possible date.

I should also like for the people to express themselves as being "for" or "against" the present system of supervision, which is in operation in this State. I am eager to know whether they are willing to stand back of me as their elected officer rather than have this matter placed in the hands of an appointed board responsible to no one.

Sincerely yours,

L. A. WOODS,  
State Superintendent.

Law. Bat. Encl.

P. S. Please send a copy of your resolution to the Governor.

The authenticity and genuineness of the foregoing two letters is unquestioned, and this committee is constrained to make the conclusion that the sum of \$7,500,000 asked for, or any sum whatsoever appropriated will be later found insufficient, and therefore we recommend, as aforesaid, a close scrutiny into the scheme used in equalizing high school tuition aid, transportation aid, and teacher aid.

It occurs to this committee that under the laws enacted during the past few years that it is not possible to make an appropriation that will meet the demands for aid. As the appropriations increase the demands increase in a greater ratio. The present law is so liberal with respect to payment of high school tuition and transportation that the appropriation is not sufficient to meet the demand. Furthermore there are a great many school districts in the State that could be receiving transportation aid that are not asking for it. A school district with an area of 48 square miles is eligible to transport pupils and receive aid. Many of the cities in Texas will doubtless be asking for transportation aid within a short time if the present law is reenacted.

Some of the wealthy towns of the State that established school districts containing large areas are now the recipients of a large part of the rural aid fund. The rural aid fund should be an equalization fund, but a close study of its distribution under the present law will show that a large part of the money is going to sound financial districts, if not in fact, wealthy districts.

The present rural aid law seems to encourage the expenditure of money. The law provides that districts shall levy a tax of \$0.75 in order to receive aid. Section 7 provides that aid shall not be granted for the payment of teachers' salaries if the assessed valuation in the district exceeds \$3,000 per scholastic unless the district levies a tax of One Dollar. In other words the law seems to indicate that if a district has a valuation in excess of \$3,000 per scholastic and levies a tax of \$0.75 that that should be sufficient; and the district would need no aid to pay salaries, but in order to encourage greater expenditure the State will aid the district if it will levy a Dollar tax. This is out of line with an equalization program. An equalization fund is meant to be used to aid the financially weak districts to have better schools and grant equal opportunities instead of stimulating expenditures.

Other states have worked out scientifically plans for the distribution of their equalization funds. Texas has never worked out a real program for the distribution of its rural aid.

Some of the states use all of the state available school fund as an equalization fund. This money is used to see that each district has a minimum school program. Districts that are able to meet this program with its local funds receive no help. Districts not able to meet the minimum standard are given enough to meet it. Many states distribute their available funds on an attendance or per capita basis. In addition to this they, somewhat like Texas, have an equalization fund to assist weak districts. This fund goes to districts in greater need, and other states have really determined in a scientific way what districts are in need. They do not determine this need on a basis of the amount of money expended. In Texas a premium is placed upon expenditure in granting aid. In other words if two adjoining districts had the same number of scholastics, the same valuation, the same area, the same tax rates, and teachers of like qualifications, one district by expending more money than the other would be eligible for the greater amount of aid.

The Senate well knows that the rural aid appropriation of \$10,000,000 for the current biennium comes from funds that otherwise would have been available in the general fund to meet the current requirements of the various agencies of our State government. Then, too, we should bear in mind that the support of our educational system in Texas is dual in its nature. It consists of the per capita apportionment from the State treasury, and the funds provided by local taxation. It is apparent to all those conversant with State finances that the present deficit in the general fund may largely be attributed to the effort on the part of the State to support public education during the period of adverse economic conditions.

Furthermore, the support of education for the past several years, if inadequate, may be also attributable to the failure on the part of the local school units to assess, levy, and collect taxes to bear their share of the burden. Today the delinquent tax rolls of the State and the political subdivisions disclose that a large sum of money would be available to the schools should the

people pay their taxes. If these funds were now available there likely would be no present urge upon this Legislature for a deficiency appropriation, or an increase in rural aid appropriation, and any further need should be met by the citizens of local school districts, thus avoiding the continuing advance upon the treasury of the State for more State support of our public schools. Continued aggression for greater State support will ultimately approach a demand for State subsidy with the attendant danger of complete State or even Federal control. The preservation of local autonomy in our public school units is vital to the preservation of the fundamental principles upon which our government and our social order have been founded. Certainly a revision of the plan with reference to larger administrative units would be economically sound and perhaps altogether desirable, but this committee is not convinced of the wisdom of advocating a program that has for its purpose the substitution of State or Federal control for local control and the attendant weakening of the local administrative units.

The price our people must pay for local control is a proper financial support of the school in the given district, and the attempt to avoid local support and thrust the burden upon the State, thereby yielding to the State the exercise of general control with incidental surrendering of the principle of local self-government is unworthy of the best traditions of Texas and a departure from the time honored American system of government.

**Trends of State and Local Finances.** A retrospection of some years relating to trends of State and local finances may be of interest to the Legislature or assistance to the Members of the Senate in arriving at a solution of the problem confronting Texas in regard to its school system and the proper financing thereof.

Texas ranks about fourth among the States of the Union in the percentage of the entire cost of their school program which is paid for by our State funds. We are outranked by North Carolina, Delaware and California. On the other end of the scale we find Iowa supporting its

schools almost wholly from local taxation. In other words Texas today supports its public schools with about 65% of State revenue and about 35% local taxation. During the ten-year period preceding the fiscal years 1934-35 the State's contribution for free school support increased from round figures of Twenty Two and One-half Million to Thirty Five Million dollars, and this increase was still more for the years 1935-36, and will be augmented by some One and One-half Million for the fiscal years 1936-37 due to the increase of \$19.00 per capita. The peak of State and local contribution to free school education was made for the fiscal year 1929-30, and reached a staggering sum of Eighty Five Million Dollars, however this sum materially dropped to the sum total of Sixty Two and One-half Million Dollars for the fiscal year 1934-35.

This committee feels that it would be derelict in its duty if it did not call to the Senate's attention the interesting facts which are disclosed in the following table:

#### Tax Rates for Maintenance.

During the 1934-35 school year, 467, or 7.6% of the common school districts, reported tax rates for maintenance of less than 5c on the \$100.00 assessed valuation of property for school purposes. Of these 467 districts, 466 reported no tax levy whatsoever for maintenance; i.e., the schools were supported, probably altogether, by monies received from State sources. There were 53,190 scholastics reported as residing in these 466 districts. In contrast, there were 30,170 scholastics living in 372 common school districts levying taxes for maintenance of \$1.00 on each \$100.00 assessed valuation of property for school purposes. Also, there were 1,624 districts having 144,209 scholastics and levying tax rates of 5c to 49c; 1,658 districts having 149,852 scholastics and levying tax rates of 50c to 54c; and 2,021 districts having 202,200 scholastics and levying tax rates of 55c to 99c.

Data relating to independent districts show that there were 21 such districts representing 7,128 scholastics and voting no tax for maintenance. One hundred and two dis-

tricts having 114,563 scholastics reported levies of 5c to 49c; 321 districts having 636,981 scholastics reported levies of 55c to 99c; and 22 districts having 14,909 scholastics reported levies of \$1.00 on the \$100.00 assessed valuation of property for school purposes. The question arises as to the logic of distributing State school funds on a basis which requires 394 districts (common and independent), containing 45,079 scholastics, to levy taxes for maintenance of \$1.00 on the \$100.00 assessed valuation and permits 487 districts containing 60,318 scholastics to levy no taxes for this purpose.

There were 319,090 scholastics of the State reported as residing in 2,214 districts voting tax levies for maintenance of 1c to 49c, inclusive; 356,406 scholastics in 1,979 districts voting levies of 50c to 54c, inclusive; and 884,260 scholastics in 2,960 districts voting levies of 54c to \$1.00, inclusive.

It is interesting to note that 319,090 scholastics or 20.4% of the scholastic population of the State, were reported in school districts levying taxes of less than 50c for maintenance on assessed valuations amounting to 19.4% of the total assessed valuation of property for school purposes; 49.7% in districts levying from 50c to 74c, inclusive, on assessed valuations amounting to 45.7%; and 29.9% in districts levying from 75c to \$1.00, inclusive, on assessed valuations amounting to 34.9%. The large range of tax levies for maintenance as shown in this table may be indicative of ability or of interest on the part of local school districts. The fact that these levies are not made on uniform assessment rates, however, prevents the determination of either a district's ability or its effort to support an adequate school system, but does allow the question to be raised as to the equitable distribution of State school monies.

From the foregoing it is seen that there are 466 school districts in Texas levying no tax at all, and that these districts receive all of their support from the State and constitute a departure from the dual system of support and maintenance established as a policy in this State. And we suggest that any increasing tendency toward this direction will

inevitably carry with it a supporting increase of supervision on the part of the State; however, a closer supervision of the spending and collecting agencies should be maintained.

**Administration of the Rural Aid:** The administration of the rural aid or equalization fund appropriated by the Forty-fourth Legislature was provided for through the Department of Education. Other states place the distribution of equalization funds in the hands of their State Boards of Education. They have endeavored to remove the distribution as far from politics as it is possible. Texas for some reason has failed to place such confidence in its State Board of Education. The people of this State voted to change the constitution a few years ago in order to have a lay board rather than a political ex-officio board. The Legislature has failed to give this board the power that has been given it in other states, and by the Texas Constitution. This board in Texas appears to be patriotic and well informed on school matters as will clearly be seen from a casual inspection of its biennial report for 1934-36.

By placing the supervision and administration of the rural aid law and the money appropriated therefor under the State Board of Education this committee believes that a higher degree of efficiency will obtain and a closer cooperation will be secured to the end that a greater amount of efficiency will be secured in the administration of these funds, and thereby all failures or shortcomings will be some one agencies' responsibility.

There is now prevailing in Texas a general complaint regarding the manner and method of administering the rural aid law as applied to high school tuition, teacher aid, and transportation aid. The law definitely fixes the responsibility of schools affording high school facilities for its children and those children who may be transferred to such a receiving high school from school districts unable to afford high school benefits for its scholastics. It occurs to this committee that the law granting high school tuition is no more nor less than a contract between the receiving high school and the State of Texas wherein and

whereby the high school receiving children for high school purposes is promised by the State certain monies for this service, and it is therefore an obligation on the part of the State to pay for such services. It is manifestly unfair for the tax payers of receiving high school districts to bear the burden of such added enrollment and furnish high school facilities for children coming from a district not affording high school facilities, and in many instances the tax rate of the sending district is far less than that imposed in the district receiving such children. The committee believes that when such high school tuition is allowed the State should meet this obligation promptly, and should not under any circumstances permit the amount of high school tuition so allowed to be reduced. High school obligations should be kept separate and apart from transportation and teacher aid since the obligations of that division of aid are more or less a fixed obligation determinable at the end of the scholastic year and therefore this committee recommends that all appropriations for high school tuition be earmarked for the purpose.

**Vocational Education:** This committee did not have the time to go fully into the question of vocational education, but for the reasons hereinabove named, we do recommend that the administration of this form of education be removed from any influence of politics, and that this can be best served by placing the supervision and management of appropriations allocated for this purpose under direct control and regulation of the State Board of Education.

#### Census Legislation and Codification.

The question of census taking and the proper supervision thereof is a perplexing one and deserves close study of all those interested in maintaining integrity of scholastic apportionment and the proper distribution thereof. A special Senate investigating committee some four years ago disclosed to the Legislature some glaring facts concerning abuses of census taking and padding of rolls incident thereto. To be sure it would not increase the total amount of apportionment, but these abuses would affect the amount of money each child was entitled to.

Any padding or duplication is no more nor less than thievery; however, there is a certain amount of unavoidable duplication, and this committee found the division of the census in the State Department of Education courageously endeavoring to rectify any errors in the census rolls. It has occurred to your committee that since birth certificates obtained for school purposes may be had from the Vital Statistics Division of the State Health Department, without cost, that it would be a good economic move to require all children applying for school admission to furnish therewith a birth certificate, which certificate would remain as a part of the permanent records of such schools and follow the child during his school life, thereby preventing a decrease in years as that child becomes older. We found many instances wherein children remained in school longer than the time allowed by law, and wherein the schools received apportionment for the years in excess of that permitted by law. This should be corrected and the committee has prepared bills on this subject for the consideration of the Legislature.

**Census Taker; and Cost of Taking Census:** This committee regrets to find that the amount allowed by law for the taking of the census is inadequate, and that the provisions of the law are flagrantly violated by many districts in Texas in one way or another. It is said by school authorities that the school census can not be obtained for the amount allowed by law, and consequently the law is violated. This condition is known to the State Department of Education, and the cost of taking school census is also verified by the said department; therefore we recommend that the law be amended so as to allow a larger fee for the taking of census.

From time to time the Articles from 2816 to Articles 2822 of the Revised Civil Statutes have been amended, and in some instances they are in positive conflict. Therefore we recommend that these Articles be amended, reorganized, and codified so as to eliminate the conflicts and remove confusion therefrom. For the Senate's consideration this committee has prepared a bill for this purpose.



**School Transfers:** The scholastic population of any school district is of importance to that district not only for the apportionment which such district might be entitled to, but is a factor in determining State aid under our equalization law. This committee found frequently a school district becoming financially embarrassed by reason of transfers into or out of it. The privilege and discretion permitted under Article 2696 appears to have been in numerous instances abused. The opportunity to acquire financial aid in obtaining transfers is unsound since it frequently results to the injury of the children remaining in the district from which a child may have been transferred, by lessening the scholastic population of that district below the bracket fixed by law for increased teacher aid. Ambitious school superintendents and energetic school trustees have in many cases pursued this opportunity to such a degree that this committee is constrained to call such practices a racket. Close attention should be given to the operation of the law in this regard, and this situation should by all means be remedied. Therefore this committee recommends that Article 2696 be amended so as to prevent these abuses, and limit the discretionary power now fixed in county school superintendents. A bill on this subject has been prepared and introduced for the consideration of the Legislature.

#### Teacher Pupil Load.

The attention of the Senate is directed to the following provisions in the rural aid law for the current biennium:

Sec. 369. Teacher-Pupil Load.—State aid under provisions of this Act shall be allotted upon the basis of one teacher for any number of scholastics from twenty (20) to thirty-five (35) and one (1) additional teacher for each additional thirty (30) scholastics, or fractional part thereof. The basis for calculation shall be the net scholastic enumeration of white or colored race, as the case may be, including the transfers into the district, and excluding the transfers out of the district for the current year and there shall be deducted all scholastics who have completed the course of study

in their home school, as authorized by the county board of trustees, provided that in unusual or extraordinary conditions of actual enrollment, an adjustment as to the number of teachers may be made by the State Superintendent, with the approval of the State Board of Education.

While on the other hand Article 2750 of the Revised Civil Statutes seems to be in conflict with the paragraph above written, and said Article reads as follows:

Sec. 101. (2750) Contracts With Teachers.—Trustees of a district shall make contracts with teachers to teach the public schools of their district, but the compensation to a teacher, under a written contract so made, shall be approved by the county superintendent before the school is taught, stating that the teacher will teach such school for the time and money specified in the contract. The board of trustees shall have the authority, whenever the average daily attendance exceeds thirty-five pupils, to employ one competent assistant to every thirty-five pupils of such excess and fractional part thereof exceeding fifteen pupils. All children within the scholastic age residing in such district, though they may have settled in such district since the scholastic census was taken, shall be entitled to receive all benefits of the schools of such district. In a district that levies a special school tax the trustees shall have the right to increase the salaries of teachers and the scholastic age, and may also have the schools taught longer than six months, if it is deemed advisable.

Thus it is seen again that the average daily attendance is an important factor in determining teacher aid and it is passing strange that 36, 66, 96, etc., are important digits in scholastic enrollment in Texas, and a survey of many of the school districts in Texas discloses many such interesting facts, and the following is an example of two counties analyzed for your consideration:

(The following seven pages constitute this analysis.)

The following evidence of manipulation of transfers is circumstantial and is not conclusive that the county superintendent is responsible for the large gain of teachers through the teacher-pupil load clause of the Equalization Bill.

The critical figures of enrollment are 20, 36, 66, 96, 126, 156, etc.

An analysis of the transfers of white children in "A" county in East Texas and "B" county in West Texas serves to make clear the points under discussion.

The following districts in "A" county raised their teacher-pupil load by means of an increase of net number transferred into the district.

District No.	Original enrollment	Final enrollment
2	120	128
9	95	103
11	259	286
12	28	36
20	119	128
41	57	77
43	94	97

This permitted the employment of seven additional teachers in the common school districts.

The following districts in "B" county had transfers of high school pupils that would have reduced the teacher-pupil load had there not been transfers of grade pupils to take their place and keep the same teacher-pupil load in the common school district:

District No.	Original enrollment	High school	Final enrollment
1	99	6	97
4	73	14	66
14	113	19	96
17	251	12	251
23	70	11	68
33	100	8	97
44	68	4	73
49	42	8	38
51	27	6 plus 7	20
55	75	13 plus 8	70
56	53	15 plus 6	42

Had there been no transfers into these districts, there would have been a loss of 11 teachers.

There were 518 white children transferred from the common school districts to the independent districts and should have caused a loss of teachers in the C. S. D., but did not. The 10 districts losing by transferring enough children to reduce their net enrollment could not have qualified because of the A. D. A., high school pupils, or tax clause in the Equalization Bill.

The following districts in \_\_\_\_\_ county lost by transferring enough children to reduce the teacher-pupil load, but the loss was of high school pupils, and the original enumeration could not have been counted.

District No.	Original enrollment	High school	Final Enum.
3	67	7	60
32	73	12	48
34	75	12	46
37	38	6	20
50	47	13	34

The following districts of \_\_\_\_\_ county had an average daily attendance of less than the required amount and could not have had the number of teachers permitted by the original enrollment:

District No.	Original enrollment	Average daily attendance	Final enrollment
10	93	36	59
30	53	30	24
52	85	41	62

The following districts in \_\_\_\_\_ county transferred their entire enrollment, possibly because of no local tax:

District Number	Enrollment
21	36
27	48

In each of the ten districts above, the children were transferred to districts needing pupils for their teacher-pupil load:

In \_\_\_\_\_ county the following common school districts gained a teacher by net transfer increase:

District No.	Original enrollment	Final enrollment
5	60	74
6	74	97
7	95	97
11	122	127
25	130	161
28	92	100
30	82	96
32	140	207

The following districts of \_\_\_\_\_ county would have lost a teacher had there not been grade children transferred in to raise the final enrollment above a critical figure:

District No.	Original enrollment	Transferred out	Final enrollment	The following districts in _____ county had no local tax and could not apply for aid:		
9	70	6	66	District No.	Original enrollment	Final enrollment
14-1	91	28	70	4	42	34
14-2	62	29	40	20	82	41
21	106	29	97			
22	105	20	100			

The following districts of \_\_\_\_\_ county had transfers of high school pupils that would have reduced their teacher-pupil load:

District No.	Original enrollment	High school transfers	Final enrollment
3	103	18	73
10	20	3	17
13	162	11	142

Considering the analysis of the two counties, it would appear that no transfers caused the loss of teachers in the rural schools, and that by swapping of grade children for high school children, as many teachers were gained in the rural schools as were gained by a net increase of enrollment by transfers in the rural districts.

The following listed counties gained the following number of teachers in the rural schools by these methods of transfer at the same time sent 6142 children to the town schools:

#### Teachers Gained

County	Net increase	Swapping transfers	Children to town
1	3	4	448
2	3	—	101
3	7	11	518
4	7	7	142
5	8	10	805
6	9	6	56
7	1	7	391
8	4	6	233
9	6	6	225
10	13	12	350
11	5	—	284
12	3	1	212
13	8	5	409
14	4	5	585
15	5	2	317
16	3	4	105
17	4	11	461
Totals	93 teachers	97 teachers	6142

Some change in the transfer law seems desirable as it would appear that the transfer of children in the rural districts of the above counties permitted the employment of 190 teachers who would not otherwise have had employment, and at the same time permitted 6142 children to be transferred to the independent districts, without reducing the number of teachers in the rural districts.

Distribution of Scholastic Population of Common School Districts showing the exact population and the number of school districts containing this population for the year 1936-37 for white scholastics. (Transfers included.)

Common school districts	Scholastic population
28	1
25	2
21	3

Common school districts	Scholastic population
17	4
22	5
20	6
25	7
33	8
38	9
22	10
39	11
33	12
48	13
45	14
44	15
45	16
44	17
57	18
51	19
63	20
926— { (366) _____	21— 25 1 teacher
305 _____	26— 30
255 _____	31— 35
1901— { (490) _____	36— 40 2 teachers
448 _____	41— 45
317 _____	46— 50
276 _____	51— 55
203 _____	56— 60
167 _____	61— 65
1014— { (323) _____	66— 70 3 teachers
223 _____	71— 75
166 _____	76— 80
111 _____	81— 85
97 _____	86— 90
94 _____	91— 95
524— { (152) _____	96—100 4 teachers
127 _____	101—105
84 _____	106—110
60 _____	111—115
52 _____	116—120
49 _____	121—125
239— { (59) _____	126—130 5 teachers
51 _____	131—135
45 _____	136—140
35 _____	141—145
28 _____	146—150
21 _____	151—155
141— { (38) _____	156—160 6 teachers
31 _____	161—165
17 _____	166—170
29 _____	171—175
16 _____	176—180
10 _____	181—185
98— { (30) _____	186—190 7 teachers
23 _____	191—195
15 _____	196—200
6 _____	201—205
16 _____	206—210
8 _____	211—215

Common school districts	Scholastic population	
47— { (13) -----	216—220	8 teachers
7 -----	221—225	
7 -----	226—230	
5 -----	231—235	
10 -----	236—240	
5 -----	241—245	
(10) -----	246—250	9 teachers
(62) -----	251—300	10 teachers
58 -----	301—400	
38 -----	401—500	
10 -----	501—600	
7 -----	601—700	
5 -----	701—800	
2 -----	801—900	
2 -----	901—1000	
8 -----	1000 & above	

Table Showing Distribution of Scholastics Within Common School Districts

(Transfers Have Not Been Included in This Tabulation)

White Scholastics, 1936-37

C.S.D. Common group school totals districts	Scholastic population
11 -----	1
11 -----	2
8 -----	3
16 -----	4
20 -----	5
22 -----	6
19 -----	7
24 -----	8
24 -----	9
22 -----	10
26 -----	11
34 -----	12
27 -----	13
30 -----	14
28 -----	15
33 -----	16
46 -----	17
36 -----	18
39 -----	19
41 -----	20
(216) -----	21— 25
772— { 271 -----	26— 30
285 -----	31— 35
(348) -----	36— 40
312 -----	41— 45
355 -----	46— 50
1720— { 225 -----	51— 55
210 -----	56— 60
270 -----	61— 65
(260) -----	66— 70
243 -----	71— 75
207 -----	76— 80
1206— { 174 -----	81— 85
156 -----	86— 90
166 -----	91— 95

C.S.D. Common group school totals districts	Scholastic population
600— { (122) _____	96—100
121 _____	101—105
113 _____	106—110
93 _____	111—115
93 _____	116—120
58 _____	121—125
266— { (55) _____	126—130
46 _____	131—135
54 _____	136—140
39 _____	141—145
37 _____	146—150
35 _____	151—155
145— { (35) _____	156—160
34 _____	161—165
22 _____	166—170
17 _____	171—175
23 _____	176—180
14 _____	181—185
(21) _____	186—190
17 _____	191—195
18 _____	196—200
8 _____	201—205
10 _____	206—210
12 _____	211—215
(11) _____	216—220
12 _____	221—225
9 _____	226—230
10 _____	231—235
7 _____	236—240
2 _____	241—245
(6) _____	246—250
(69) _____	251—300
57 _____	301—400
31 _____	401—500
9 _____	501—600
7 _____	601—700
4 _____	701—800
3 _____	801—900
2 _____	901—1000
8 _____	1000 & above

In addition to the above your attention is directed to the Teacher-Pupil load outlined in the current biennial report of the State Board of Education as shown on page 26 thereof.

This committee has been advised on competent authority that if the provisions of Article 2750 had been strictly adhered to and impartially applied, the teacher load in Texas for the current biennium would have reduced some 6,000 in number from its present figure of some 47,000. A close analysis of the above disclosed facts will prove conclusively that

there has been abuses in the application of the equalization funds. Abuses, perhaps, that the State Department of Education could not have have rectified or prohibited; however, it is apparent to this committee that these abuses should be carefully considered, and legislation presented proposing remedies therefor. Therefore we recommend and submit for the Senate's consideration S. B. No. 45, and the enactment of which on the part of the Legislature will, we believe, equalize our rural aid appropriation.

#### School Land Mineral Board.

It is a well known fact that the school lands belonging to the permanent school fund have been exploited, not only by the Legislature from time to time, but also by designing persons. In the first instance it has been by neglect, while in the latter it has been by design. There are many, many vacancies in Texas belonging to said fund, and in some areas suddenly grown valuable by reason of oil discovered, these school lands are lacking in proper supervision. The University of Texas has an excellent system of supervision of its permanent school lands, with a resultant advantage to that institution, and we recommend a close study being given on this subject to the end that the high possible returns may be had for and in behalf of the permanent school fund, and therefore we recommend the creation of a school land mineral Board patterned on that established for the University in the handling of its lands. A bill on this subject has been prepared and presented to the Senate of Texas.

#### Financially Distressed School Districts.

Article 2835a of the Revised Civil Statutes of Texas for 1925, provides that the Comptroller of Public Accounts of this State shall not issue any warrant for the payment of the available school fund or any rural aid or vocational educational funds to, or for, the benefit of any school district in this State, or any city or town which has assumed the control of the public schools located therein, when the interest and/or principal on any bonds owned by such school district and/or city or town and owned by the Permanent School Fund of this State, remains unpaid for a period of two years, nor shall any such warrant be issued when any such district and/or city or town prefers the claims of any other bond holder to the claims of the State Permanent School Fund; provided that no such district and/or city or town shall be deemed to be in default if proper refunding bonds in lieu of such defaulted interest and/or principal are issued and approved by the State Board of Education.

This committee has taken the oc-

casional to inquire into the number of school districts delinquent in the payment of the principal and interest to the permanent school fund, and we have found several such districts so delinquent, and upon inquiry, ascertained the fact that many of such districts are hopelessly insolvent and will never be able to pay the principal and interest on their indebtedness due. A recent decision of the Supreme Court has held that all bond holders take equally and prorata from the tax funds levied for the purpose of serving bond issues; however the present law permits refunding of delinquent bonds on the part of the school districts. This method of gaining release of scholastic apportionment prohibited under the above quoted Section is only working against the inevitable hour, and tends to increase the indebtedness and lessens the school districts ability to pay. We question the constitutionality of the above provision; however, in spite of that fact we suggest that said Article 2835a be amended so as to provide that the per capita apportionment to any school district be automatically withheld whenever such district becomes delinquent in either principal or interest, or both, on its obligations to the Permanent School Fund; it should provide further that if such defaulting district levies a 50c tax for servicing its bonded indebtedness, the State Board of Education, upon the petition of said district setting forth such facts as the board may require, might permit the district to receive its per capita apportionment in the same manner as if its obligations to the Permanent School Fund were met promptly; it should also provide that whenever a district is, or becomes, delinquent in its obligations to the Permanent School Fund and levies and collects a tax based on a rate which bears the same ratio to a 50c tax that said district's indebtedness to the Permanent School Fund bears to the District's total indebtedness, the State Board of Education be empowered to direct the State Treasurer to allocate such collections of said district between the Permanent School Fund and the Available School Fund as the State Board of Education may deem proper.

### Depositing in the Treasury of Certain Fees.

During the time this committee was considering many of the perplexing problems relative to school administration and the proper financing thereof, it discovered that there were two certain funds collected by the Department of Education and not deposited in the State Treasury, to-wit:

A. Certificate Fees.

B. College Entrance Fees.

For years the Legislature has recognized as the best public policy that all taxes, licenses, fees, etc., collected by any agency of our government should be deposited in the State Treasury, and subjected to legislative appropriation, and we see no good reason why the fees hereinabove mentioned should be exempt from this policy. Therefore we recommend that provisions be made by law wherein these fees will be deposited in the Treasury of the State of Texas instead of an Austin bank subject to withdrawal by check on the part of certain departmental employee in the Department of Education for activities in connection with the department.

This committee has heretofore suggested that this or some similar committee be continued, and empowered to further investigate into the affairs and conditions now existing in the Department of Education and the State Board of Education, since we have been physically unable, through the lack of time, to completely investigate all of the activities of the said Departments. We have ascertained sufficient facts to justify this recommendation, and we do not in any wise under-estimate the importance of this recommendation, believing as we do that a legislative finger on the pulse of such an important Department of State will be wholesome for the better administration of governmental affairs, and foster a closer understanding between the Legislature and this important spending agency. A department of government, spending approximately one-third of its revenue, should not object to such a contact; on the other hand we should think that the Department of Education and the State Board of Education should welcome a closer

study into its administration, and would desire a more sympathetic understanding of school problems.

This report has been carefully considered by all members of your committee, and has been approved by all of them except in the specific items reserved immediately after their signatures.

Respectfully submitted,

This the 8th day of March, A. D. 1937.

COTTEN,  
Chairman;  
VAN ZANDT,  
BURNS,  
ISELL,  
COLLIE.

The above report has been signed subject to the following reservations:

I approve and sign the above report with reservations as to its recommendations concerning the change from an elective to an appointive office of State Superintendent, retaining an open mind on that question.

CLAUDE ISELL.

I approve and sign the above report with reservations as to its recommendations concerning the change from an elective to an appointive office of State Superintendent, which I think should be elected.

GORDON M. BURNS.

Statement of Wilbourne B. Collie.

In signing the general report of the committee, the right is reserved to each member to express his or their individual views as to the matters therein discussed. It is not an easy matter for five individuals, residing in different and widely separated sections of Texas, to agree on any report concerning the problems pertaining to school administration and education. It, therefore, becomes necessary that some must give and take in order to reach any conclusions.

This report has been designed to produce a descriptive, analytic, and interpretative statement of the facts and recommendations concerning the administration of school affairs set forth in other reports of State Departments and disclosed in the testimony of leading educators and citizens of the State on file with the committee.



I have generally concurred in the findings of the committee and tentatively approve the recommendations of the majority, save and except the recommendation for the creation of another State board to supplant the Commissioner of the General Land Office in the supervision of State school lands. This recommendation is the individual views as expressed by the other members of the committee in the general report, and is not a result of a definite fact finding from evidence or testimony as a basis for such recommendation. No evidence or testimony has been offered to substantiate this finding and recommendation of the committee. Neither the Commissioner, past Commissioners, nor any employee of the administrations has been

called to testify, and no documentary proof offered to show exploitation or dissipation of the school lands; and the finding that "the University of Texas has an excellent system of supervision of its permanent school lands, with a resultant advantage to that institution" is an assumption without proof or evidence of any nature being produced to support it. Without questioning the latter statement, however, the comparison in the handling of these matters is unjustified from the evidence and unfair to the present occupant of the General Land Office and his immediate predecessors, who held that office by election of the people for many years.

WILBOURNE B. COLLIE.

# In Memory of Hon. J. K. Freeman

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(Senate Concurrent Resolution No. 43.)

Senator Newton offered the following resolution:

WHEREAS, In the deeply deplored passing of J. K. Freeman on February 23rd, within a short span of time, Cameron, Milam County, Texas, was again called upon to surrender another of its most beloved and highly regarded citizens to the imperious summons of death; who answered that last summons of the Grim Reaper as gallantly and as preparedly as he has always answered every call in life; and

WHEREAS, In the State which proudly claims J. K. Freeman as its own, a deep void has been left in the hearts of all who loved and honored him for his great gifts of mind and heart, manifest to all with whom he came in intimate contact; who gave unstintingly to every needy cause, who made great and valuable contributions to his State and his community, who denied his contributions and benefactions to no worthy enterprise, whose entire career as a citizen of Texas is eminently worthy of emulation; and

WHEREAS, J. K. Freeman leaves behind him a record so highly deserving of retrospection, born in Tupelo, Mississippi, a son of T. H. and Mrs. Jane Freeman, he spent his early manhood in that state, but in 1836 came to Texas where he lived and shall always live in honored memory. His young manhood was spent in teaching school in Milam County. He pursued the study of law in Milam County a few years later, was admitted to the bar. From 1894 to 1898, he held the post of district attorney, also serving as justice of the peace in that county. A man of honest and firm convictions, fearless in his opinions and performance of duty and in his championship of the constitutional rights of the people; and

WHEREAS, J. K. Freeman, though wearing no crown, possessed all the princely virtues of a monarch; preached no gospel save the creed of infinite kindness, asked no reward save the satisfaction of seeing his fellow men reach their goals, using his worldly gains for the good and welfare of all humanity; and

WHEREAS, By his innumerable good deeds, J. K. Freeman shall enjoy the immortality that is imperishable, for it is said

"The book of life is writ in deeds alone;  
No dust of Death can ever make them dim.  
The records of immortal souls live on  
With God, so long as man has lived with him"; and

WHEREAS, The contributions of J. K. Freeman to both community and State shall ever keep his memory green and have merited him the highest honor and ovation this State can pay; now, therefore, be it

RESOLVED, by the members of the Senate and House of Representatives concurring, To acknowledge the loss of his inspiring presence and his splendid record before the bar of Texas, and that a copy of this resolution be spread on the memorial pages of the Senate and House Journal of the day, to designate the love and esteem in which was held this great and good soul and letting this serve as an acknowledgment of the debt Texas owes, and the tribute Texas pays, to a true son of the people; and also be it further

RESOLVED, That the Secretary of the Senate, and the Chief Clerk of the House of Representatives send the family of the deceased a copy of this resolution under their respective seals and that when the Senate and House adjourn today, they do so in silent tribute to a man whose name shall live long in the consciousness of his State and in the affections of his friends and sorrowing family.

The resolution was read and was adopted unanimously by a rising vote.